

PENALTIES FOR CERTAIN LITTERING OFFENSES

CHAPTER 829

H.B. No. 1884

AN ACT

relating to the penalties for certain littering offenses.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Article 42A.304(e), Code of Criminal Procedure, is amended to read as follows:

(e) A defendant required to perform community service under this article after conviction of an offense under Section 352.082, Local Government Code, or Section 365.012, 365.013, or 365.016, Health and Safety Code, shall perform *the amount of service ordered by the court, which may not exceed 60 hours [of service]*. The community service must consist of picking up litter in the county in which the defendant resides or working at a recycling facility if a program for performing that type of service is available in the community in which the court is located. *A court may credit the amount of community service performed by a defendant under this subsection toward any amount of community service the defendant is ordered to perform under another provision of this code as a result of the defendant's inability to pay a fine or cost imposed in the judgment for the applicable offense.*

SECTION 2. Section 365.012, Health and Safety Code, is amended by adding Subsection (s) to read as follows:

(s) *On conviction of an offense under this section, the court shall require the defendant, in addition to any fine or other penalty, to perform community service as provided by Article 42A.304(e), Code of Criminal Procedure.*

SECTION 3. Section 365.013, Health and Safety Code, is amended by adding Subsection (d) to read as follows:

(d) *On conviction of an offense under this section, the court shall require the defendant, in addition to any fine or other penalty, to perform community service as provided by Article 42A.304(e), Code of Criminal Procedure.*

SECTION 4. Section 365.016, Health and Safety Code, is amended by adding Subsection (c) to read as follows:

(c) *On conviction of an offense under this section, the court shall require the defendant, in addition to any fine or other penalty, to perform community service as provided by Article 42A.304(e), Code of Criminal Procedure.*

SECTION 5. The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 6. This Act takes effect September 1, 2017.

Passed by the House on May 6, 2017: Yeas 135, Nays 5, 2 present, not voting; the House concurred in Senate amendments to H.B. No. 1884 on May 24, 2017: Yeas 136, Nays 7, 3 present, not voting; passed by the Senate, with amendments, on May 22, 2017: Yeas 30, Nays 0.

Approved June 15, 2017.

Effective September 1, 2017.